

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Tamesha Parker v. Casey's General Stores, Inc., Rikki Casarez,
Christopher Wulf, and John Doe

Parker · No. 8:25CV505 · Decided November 25, 2025

SUMMARY

The United States District Court for the District of Nebraska accepted a magistrate judge’s findings and recommendation after the parties failed to file timely objections. The court denied Tamesha Parker’s objection to removal and motion to remand the action to state court.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Robert F. Rossiter, Jr.
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	November 25, 2025
DOCKET	8:25CV505
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to removal, moved to remand the action to the District Court of Douglas County, Nebraska, and requested leave to amend her complaint. After the magistrate judge denied leave to amend and recommended overruling the objection and denying remand, no party timely objected to the findings and recommendation.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1), de novo review of a magistrate judge's findings or recommendations is required only when a party timely objects; absent a timely objection, the district court need not conduct de novo review or any review.
PRECEDENTIAL VALUE	unknown

TOPICS

- subject matter jurisdiction
- motion to amend
- civil procedure

PRACTICE AREAS

- civil procedure
- removal and remand

QUESTIONS PRESENTED

1. Whether the district court was required to review the magistrate judge's findings and recommendation when no party timely objected.
2. Whether Parker's objection to removal and motion to remand should be denied.

HOLDINGS

1. When no party timely objects to a magistrate judge's findings or recommendation, the district court is not required to conduct de novo review and may deem objections waived.
2. Parker's objection to the notice of removal and motion to remand were denied, and the magistrate judge's findings and recommendation were accepted.

KEY QUOTATIONS

“The absence of a timely objection “eliminates not only the need for de novo review, but any review by the district court.”” (at 1)

FACTUAL BACKGROUND

Parker filed a pro se objection to the notice removing the action and sought remand to the District Court of Douglas County, Nebraska. She also requested leave to amend her complaint. No party filed a timely objection to the magistrate judge's findings and recommendation.

PROCEDURAL HISTORY

Parker filed a pro se objection to the notice of removal, a motion to remand, and a request for leave to amend under Federal Rule of Civil Procedure 15. Magistrate Judge Ryan C. Carson denied the request to amend and issued findings and a recommendation that the objection be overruled and the motion to remand denied. Because neither party filed timely objections, the district court accepted the findings and recommendation, deemed objections waived, and denied Parker's objection and motion to remand.

DISPOSITION

other

CASES CITED

- Peretz v. United States, 501 U.S. 923, 939 (1991)
- Leonard v. Dorsey & Whitney LLP, 553 F.3d 609, 619-20 (8th Cir. 2009)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
TAMESHA PARKER, Plaintiff, 8:25CV505 v. ORDER CASEY’S GENERAL STORES, INC.,
RIKKI CASAREZ, CHRISTOPHER WULF, and JOHN DOE, Defendants. On September 18,

2025, plaintiff Tamesha Parker (“Parker”) filed a pro se Objection to Notice of Removal and requested leave to amend her complaint under Federal Rule of Civil Procedure 15 (Filing No. 11).

Parker also filed a Motion to Remand (Filing No. 12) to the District Court of Douglas County, Nebraska. The magistrate judge¹ denied her request to amend and issued a Findings and Recommendation (Filing No. 15) recommending the Court overrule Parker’s objection to removal and deny the motion to remand. Pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days to object.

Neither has. See Fed. R. Civ. P. 72(a); NECivR 72.2. Section 636(b)(1) provides for de novo review of a magistrate judge’s findings or recommendations only when a party timely objects. See *Peretz v. United States*, 501 U.S. 923, 939 (1991).

The absence of a timely objection “eliminates not only the need for de novo review, but any review by the district court.” *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009). Because the Court has not received any objections, IT IS ORDERED: 1The Honorable Ryan C. Carson, United States Magistrate Judge for the District of Nebraska. 1.

The magistrate judge’s Findings and Recommendation (Filing No. 15) are accepted. Any objections are deemed waived. 2. Plaintiff Tamesha Parker’s Objection to Notice of Removal (Filing No. 11) and Motion to Remand (Filing No. 12) are denied. Dated this 25th day of November 2025. BY THE COURT: Robert F. Rossiter, Jr. Chief United States District Judge